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EXAMINER

NGUYEN, LUONG TRUNG

ART UNIT PAPER NUMBER

2612

DATE MAILED: 07/02/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/954,917

Applicant(s)

ZADOK, ADAM

Examiner

LUONG T NGUYEN

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 September 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|-------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>2, 3</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Objections

1. Claims 1-11, 15 are objected to because of the following informalities:

Claim 1 (line 4), "on at least one pivot mount" should be changed to --on the at least one pivot mount--.

Claim 4 (line 2), "tow members" should be changed to --two members--.

Claim 15 (line 1), claim 20 (line 1), "said pivot" should be changed to --said pivot mount--.

Claim 16 (line 2), "tow members" should be changed to --two members--.

Claims 2-11 are objected as being dependent on claim 1.

Claim 5 is objected as being dependent on claim 4.

Claim 17 is objected as being dependent on claim 16.

Appropriate correction is required.

Double Patenting

2. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

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3. Claims 1-4, 6-9, 12, 16, 18 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-4, 6-8, 9, 11, 9 of U.S. Patent No. US 6,697,118. Although the conflicting claims are not identical, they are not patentably distinct from each other because of the reason discussed below.

Regarding application claim 1, the application claim 1 is encompassed in patent claim 1.

Regarding application claim 2, patent claim 2 discloses said pivot mount pivots about at least two axes (pivot mount pivots about first and second orthogonal axis).

Regarding application claim 3, patent claim 3 discloses said pivot mount is normally disposed above said handgrip in operation.

Regarding application claim 4, patent claim 4 discloses said second frame comprises at least two members pivotally connected together (second frame is a four bar linkage).

Regarding application claim 6, the patent claim 1 discloses said first frame has a generally C configuration with an upper arm and a lower arm, and said pivot mount is on an outer end of said upper arm (the character B in patent claim 1, the character B represents for the feature "at said distal end; wherein said first frame has a generally C configuration with an upper arm and a lower arm, and said pivot mount is on outer end of said upper arm," according to the Examiner's Amendment for the Application Serial No. 09/923,467 mailed on 10/21/2003, now patent US 6,697,118).

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Regarding application claim 7, patent claim 6 discloses said handgrip is mounted on said lower arm.

Regarding application claim 8, patent claim 7 discloses said second frame is an elongated arm extending at a right angle to said pivot axis.

Regarding application claim 9, patent claim 8 discloses said second frame normally extends horizontally when a camera is mounted on an outer end thereof.

Regarding application claim 12, the application claim 12 is encompassed in patent claim 9.

Regarding application claim 16, patent claim 11 discloses said second frame comprises at least two members pivotally connected together (second frame is a four bar linkage).

Regarding application claim 18, the application claim 18 is encompassed in patent claim 9.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Powell et al. (US 5,721,997).

Regarding claim 1, Powell et al. disclose a stabilizer support for hand held cameras comprising a first frame having a handgrip (handle 17 and arm section 33, figure 1, column 2, lines 19-30) and at least one pivot mount (the connection between arm section 33 and arm section 32, figure 1) spaced from said handgrip; a second frame (section 32, figure 1) pivotally mounted to said first frame on at least one pivot mount (column 3, lines 1-3); and a camera mount on said second frame disposed below said pivot mount so that said camera pivots about at least one axis independently of said first frame (figure 1).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-3, 6-15, 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Powell et al. (US 5,721,997) in view of Wade (US 3,427,102).

Regarding claim 1, Powell et al. disclose a stabilizer support for hand held cameras comprising a first frame having a handgrip (handle 17 and arm section 33, figure 1, column 2, lines 19-30) and at least one pivot mount (arm 24, tube 23, figures 1, 8, column 2, lines 30-35)

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spaced from said handgrip; a second frame (base member 18 and plate 19, figures 1, 7, 8, column 2, lines 19-44) pivotally mounted to said first frame on at least one pivot mount; and a camera mount on said second frame so that said camera pivots about at least one axis independently of said first frame (figure 1).

Powell et al. fail to specifically disclose a camera mount disposed below said pivot mount. However, Powell et al. disclose the handle 17 is mounted to the bottom of the camera 12 (camera disposed above the pivot mount) in figure 1, and Wade teaches camera 15 can be mounted below the barrel 4 at mounts 30, 32 (figures 1, 2). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device in Powell et al. by the teaching of Wade in order to mount the hand grip on the top of the camera. This arrangement permits the user easier to mount the handgrip on the top of the camera than to mount the handgrip to the bottom of the camera.

Regarding claims 2, 13, Powell et al. disclose the pivot mount pivots about at least two axes (figure 1).

Regarding claim 3, Powell et al. disclose the pivot mount is normally disposed directly above said handgrip in operation (figure 10).

Regarding claim 6, Powell et al. disclose the first frame has a generally C configuration with an upper arm and a lower arm, and said pivot mount is on an outer side end of said upper arm (figures 1, 9, 10).

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Regarding claim 7, Powell et al. disclose the handgrip is mounted on said lower arm (figure 10).

Regarding claim 8, Powell et al. disclose the second frame is an elongated arm extending at a right angle to said pivot axis (figures 1, 8, 9, 10).

Regarding claim 9, Powell et al. disclose the second frame normally extends horizontally when a camera is mounted on an outer end thereof (figures 1, 7).

Regarding claims 10, 14, 19, Powell et al. disclose said second frame has a primary pivot axis that is below the top of a camera that is mounted in the support (figures 1, 9).

Regarding claims 11, 15, 20, Powell et al. disclose said pivot mount is adjustable in order to dampen the movement of said second frame (the base member 18 can be adjusted by knob 22, figure 2, column 2, lines 20-29).

Regarding claim 12, all the limitations are contained in claims 1 and 6. Therefore, see Examiner's comments regarding claims 1 and 6.

Regarding claim 18, all the limitations are contained in claims 1 and 6. Therefore, see Examiner's comments regarding claims 1 and 6.

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8. Claims 4-5, 16-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Powell et al. (US 5,721,997) in view of Wade (US 3,427,102) further in view of Paddock et al. (US 6,347,892).

Regarding claims 4, 16, Powell et al. and Wade fail to specifically disclose the second frame comprises at least two members pivotally connected together. However, Paddock et al. teach a body mounted camera system which includes two arm linked together, each of these arms is a four bar linkage (see abstract, figure 1, column 3, lines 1-13). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device in Powell et al. and Wade by the teaching of Paddock et al. in order to allow the camera to move fore and aft without vibration. This let the camera produces a good quality picture.

Regarding claims 5, 17, Paddock et al. disclose said pivot mount pivots about at least two parallel axes (figure 1, column 3, lines 1-13).

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Brown (US 5,098,182) discloses stabilized equipment support, primary for use with light-weight cameras.

Acker (US 5,742,859) discloses camera support and stabilizing device.

Toyofuku et al. (US 5,767,906) disclose viewfinder mounting for video camera.


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10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to LUONG T NGUYEN whose telephone number is (703) 308-9297. The examiner can normally be reached on 7:30AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy Garber can be reached on (703) 305-4929. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LN LN
6/25/2004


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